

Region 6 Regional Contingency Plan

Volume 1



Final: 05/19/2015

Volume 1: Region 6 RRT Regional Contingency Plan (RCP)

Volume 2: Region 6 Inland Area Contingency Plan (ACP)

Volume 3: Region 6 Coastal Area Contingency Plans (ACPs)

Volume 4: Region 6 Supporting Documentation for Plans



LETTER OF PROMULGATION

In accordance with the provisions of Section 105 of the [Comprehensive Environmental Response, Compensation, and Liability Act \(CERCLA\) of 1980](#), the [Clean Water Act \(CWA\) of 1977](#), a [National Oil and Hazardous Substances Pollution Contingency Plan](#) was developed by the [National Response Team](#).

[Section 300.210](#) of the [National Contingency Plan \(NCP\)](#) states that regional contingency plans shall be prepared for each standard federal region.

The Region 6 Regional Contingency Plan (RCP) has been developed with the cooperation of all designated federal and state agencies.

This RCP provides a mechanism for coordinating responses to spills of oil and releases of hazardous substances into the environment of the United States within the five Region 6 states (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas).

This RCP is effective upon receipt and supersedes the previous plans of Region 6 in their entirety. This revised RCP has been published electronically and is available for viewing or download from the Region 6 RRT website: www.epaossc.org/region6rrt.

Comments and recommendations regarding this RCP are invited and should be addressed to Steve Mason, EPA RRT 6 Coordinator, mason.steve@epa.gov or Todd Peterson, USCG RRT Coordinator, todd.m.peterson@uscg.mil.

This RCP will be kept under continual review. Changes, additional information, or corrections will be promulgated as necessary, but the entire RCP shall be reviewed every three (3) years.

Signed: May 19, 2015

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Each year, the [National Response Center \(NRC\)](#) receives over 32,000 hazardous chemical releases, oil discharges, and other reported releases or spills. The area comprising the inland and coastal areas of Region 6 (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas) accounts for over one quarter (28%) of these reports. Harris County, Texas (greater Houston area), accounts for more release/spill reports to the NRC than many other states each year.

In 1968, after several large oil spills in the preceding years around the world, the President directed the federal government to develop a plan to effectively respond to oil spills. [The National Oil and Hazardous Substances Pollution Contingency Plan](#), more commonly known as the National Contingency Plan (NCP) was the result of this effort, and documents national response capability. This plan's primary objective is to provide a coordinated approach to respond and mitigate the effects of spills into U.S. waters by the effective use of national, regional, state, area, local, and industry contingency plans. The original 1968 NCP also established national and regional reaction teams, which are now known as the [National Response Team \(NRT\)](#) and Regional Response Teams (RRTs).

The President of the United States delegated responsibility for amending the NCP to the Environmental Protection Agency (EPA), which coordinates activities with members of the NRT prior to publication for notice and comment. The NCP [\[\(Section 300.210 \(b\)\)](#) calls for the establishment of a nationwide system of Regional Contingency Plans (RCPs) based on standard federal regions. This RCP is applicable to response operations taken by all federal, state and local agencies within Region 6, pursuant to the authorities under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Section 311 of the Clean Water Act (CWA), as amended. The RRT in each region is responsible for developing and maintaining the RCP for their area.

The NCP states each RCP shall: include information on resources within the region to respond appropriately to a release or discharge, follow the NCP format, and be coordinated with state, local, and area contingency plans.

I. Purpose and Objective ([40 CFR § 300.1](#))

The purpose of the NCP is to provide the organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants, and contaminants. In support of that purpose, the RRT is responsible for regional planning, preparedness, and training activities prior to response actions, and coordination of assistance and advice during actual response actions in support of the OSC.

The purpose of this RCP is to describe the mechanisms by which the Region 6 RRT assists the OSC before a response, through planning and training activities; and through the response with organizational and coordination assistance. As provided under [Section 300.115](#) of the NCP, the RRT is responsible for providing advice and support to the OSC when activated during a response. This RCP provides the concept of operations for the RRT and each member agency's capabilities to provide resources during a response.

This RCP is the product of a collaborative process involving all the members of the RRT for Region 6, as well as other stakeholders. Although this RCP is designed for the agencies of the RRT, local, private sector and non-governmental organizations (NGOs) should be familiar with the provisions of the plan. This RCP implements the NCP and the [Emergency Support Function \(ESF\)-10](#) component of the [National Response Framework](#) at the regional level and is the primary working document of the Region 6 RRT. This RCP expands upon the requirements set

forth in the NCP for RRT procedures. The RRT will continuously review the effectiveness and integration of this regional plan, based on actual response experiences, exercises, and other relevant information. Three fundamental activities are performed pursuant to this RCP:

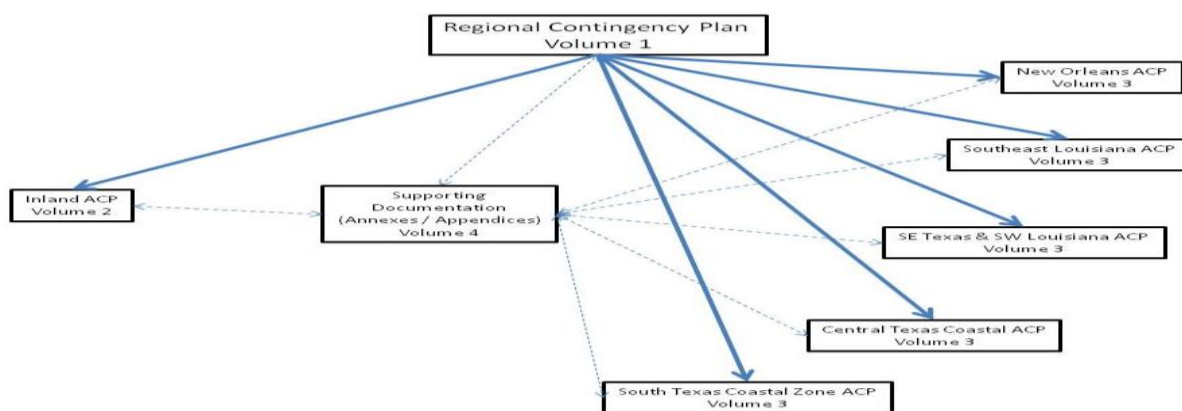
- a. RRT preparedness, planning, and coordination to support an OSC during a response to a discharge of oil or release of hazardous substance, pollutant or contaminant.
- b. Notification and communication to the RRT during a discharge or release.
- c. RRT support of an OSC's actions at the scene of a discharge or release.

II. Authorities ([40 CFR § 300.2](#))

Section 311 of the [Federal Water Pollution Control Act \(CWA\)](#) and [Section 105 of CERCLA](#) provide the legislative authority for development, revision, and maintenance of the NCP. [Section 300.210](#) of the NCP requires the development of the RCP.

The Region 6 RRT derives its framework for policy and program direction from [Executive Order 12580](#), as amended by [Executive Order 12777](#), the NCP, the [Region 6 RRT By-Laws](#), and the Region 6 RCP. The RRT develops its program initiatives from the RRT membership with guidance from the NRT. [Executive Order 12580](#) directed which federal agencies would provide representatives to the RRT, the Co-Chairs of the RRT during standing and activation periods, and other entities which may be represented on the RRT.

III. Scope of the Regional Contingency Plan ([40 CFR § 300.3](#))



Under this Regional system of planning, Volume 1 consists of the Regional Contingency Plan (RCP), which outlines and describes how the federal and state agencies on the RRT can support an On-Scene Coordinator during a response. Volume 2 consists of the Inland Area Contingency Plan (ACP), which describes EPA's role and responsibilities during an oil spill or hazardous substance release in their area of responsibility. Volume 3 consists of the Coastal ACPs, which describe the USCG's role and responsibilities during an oil spill or hazardous substance release in their areas of responsibility. Volume 4 consists of the Supporting Documentation, which is a compilation of documents supporting Volumes 1-3. This RCP applies to and is in effect for the following incidents:

- a. Discharges of oil into or on the navigable waters, on adjoining shorelines to navigable waters, into or on waters of the exclusive economic zone, or that may affect natural resources

belonging to, appertaining to, or under the exclusive management authority of the United States; and,

- b. Releases of hazardous substances into the environment, and pollutants or contaminants which may present an imminent and substantial danger to public health or welfare.

The geographic scope of this RCP is Region 6, which encompasses Arkansas, Louisiana, New Mexico, Oklahoma, and Texas. Generally, the responsibility to provide OSCs for incidents or potential incidents is placed upon the EPA and the USCG. Other agency (e.g., DOD, DOE) responsibilities for providing an OSC are outlined in 40 CFR 300.175.

Under this RCP, a USCG OSC is responsible for coastal areas while the EPA OSC is responsible for inland areas. A Memorandum of Agreement (MOA) between the EPA Region 6 and the Eighth Coast Guard District concerning response boundaries has been established, and is contained in Appendix 5 of Volume 4: Supporting Documentation

This RCP applies to and is in effect when the National Response Framework (NRF) and some or all of its Emergency Support Functions (ESFs) are activated. The EPA or the USCG serves as the primary agency for ESF-10 actions, depending upon whether the incident affects the inland or coastal zone (as defined by the EPA/USCG MOA). For incidents affecting both, EPA is normally the primary agency and USCG serves as the deputy, unless circumstances necessitate this be changed, as agreed to by both agencies.

IV. NRS Overview ([40 CFR § 300.105](#))

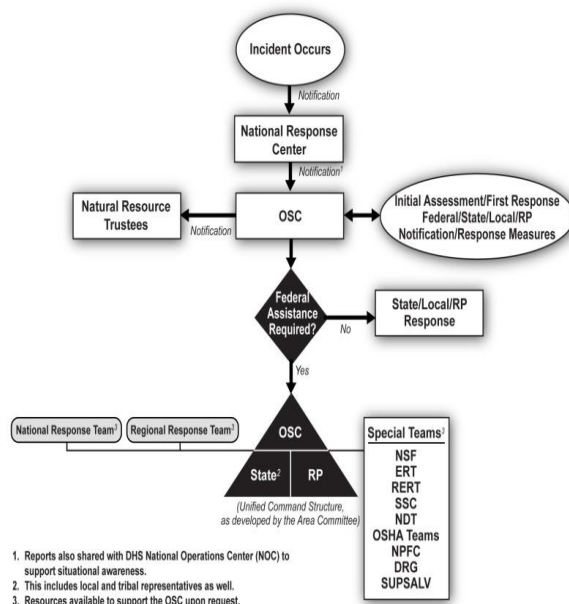
The [National Response System \(NRS\)](#) comprises the NRT, 13 RRTs, Federal On-Scene Coordinators (FOSCs), state and local governments, and the [National Response Center \(NRC\)](#).

The [NRT](#) and RRTs, as organizations, do not physically respond to an incident scene; rather, they provide federal resources, technical assistance and policy guidance for pollution incidents in support of FOSCs. Federal, state, and local agencies plan for emergencies and develop procedures for dealing with oil discharges and releases of hazardous substances, pollutants or contaminants. Agencies coordinate their planning, preparedness, and response activities with one another. The basic principles of the NRS are depicted in the below flow chart.

- Federal law requires responsible parties to report discharges of oil and releases of hazardous substances to the NRC.
- The NRC then forwards these notifications to the pre-designated federal OSC assigned to the area for the incident. The NRC also forwards these notifications to other appropriate federal and state entities, including the Department of Homeland Security (DHS) National Operations Center.
- When a release or spill occurs, the first line of defense is the entity responsible for the release, its response contractors, the local fire and police departments, and the local emergency response personnel. If needed, a variety of state agencies stand ready to support, assist, or take over response operations if an incident is beyond local capabilities. The federal government provides support when the state and local capabilities may be overwhelmed, or when resources unique to the federal government are needed.
- The OSC gathers information about the incident in order to determine whether a federal response is warranted. The OSC may gather information via phone from state and local

agencies and the responsible party, or may deploy to the site to collect information, depending on the incident.

- If the incident impacts resources overseen by a federal or state natural resource trustee, the OSC would notify that trustee.
- An OSC may determine a federal response is not required if appropriate actions are already being taken by a state or local agency, or the responsible party, and the release doesn't constitute a significant public health or environmental threat.
- If a federal response is warranted, the OSC typically enters into a unified command with responding state/local agencies, and in most instances, the responsible party when appropriate.
- The OSC may call upon other NRS assets for assistance as needed, including the special teams described in the NCP, the RRTs, and the NRT.



a. Key Components of NRS -- Federal

If the amount of a hazardous substance release or oil discharge exceeds the established reporting trigger, the organization responsible for the release or discharge is required by law to notify the NRC. The procedure for determining the lead agency is clearly defined in the [Region 6 EPA/USCG MOA](#), so there is no confusion about who is in charge during a response. The OSC determines the status of the local response and monitors the situation to determine whether, or how much, federal involvement is necessary.

It is the OSC's job to ensure that the cleanup, whether accomplished by industry, local, state, or federal officials, is appropriate, timely, and minimizes consequences to human health, as well as environmental damage. The OSC may determine that the local action is sufficient and that no additional federal action is required. If the incident is large or complex, the OSC may remain on the scene to monitor the response and advise on the deployment of personnel and equipment. However, the OSC may take command of the response in the following situations:

- If the party responsible for the chemical release or oil discharge is unknown or not cooperative;
- If the OSC determines that the discharge or release is beyond the capacity of the company, local, or state responders to manage; or
- For oil discharges, if the incident is determined to present a substantial threat to public health or welfare due to the size or character of the discharge; or
- The state and/or local lead official requests the OSC to assume lead over the incident.

The OSC may request additional support to respond to a release or discharge, such as additional contractors, technical support from [EPA's Environmental Response Team \(ERT\)](#), or

[Emergency Response Program Scientific Support Coordinators \(SSCs\)](#) from EPA or NOAA.

The OSC also may seek support from the RRT and NRT to access special expertise or to provide additional logistical support.

The NRC is the sole federal point of contact for reporting oil and chemical spills in the U.S. and its territorial waters. Reports to the NRC activate the NRS portion of the NCP and the federal government's response by one or more agencies. It is the responsibility of the NRC staff to notify the pre-designated OSC assigned to the area of the incident and to collect available information on the size and nature of the release or discharge, the facility or vessel involved, and the party(ies) responsible for the release or discharge. The NRC maintains reports of all releases, discharges, and spills in a national database.

Response planning and coordination is accomplished at the national federal level through the NRT, an interagency group chaired by the EPA; USCG serves as vice-chair (see Section VI: NRT Member Roles and Responsibilities for more information on this group).

Response planning and coordination is accomplished at the regional federal level through the RRT. The four major responsibilities of RRTs are: response; planning; training; and coordination. (See Sections VIII and IX for the roles and responsibilities of the Region 6 RRT)

- i. Response: RRTs provide a forum for federal agency offices and state agencies to exchange information about their abilities to respond to an OSC's requests for assistance. As with the NRT, the RRT does not respond directly to releases or discharges, but may be called upon to provide technical advice, equipment, or staff resources to assist with a response.
- ii. Planning: Each RRT develops a RCP to ensure that the roles of federal and state agencies during an actual incident are clear. Following an incident, the RRT may review the OSC's report to identify problems with the Region's response to the incident and improve the plan as necessary.
- iii. Training: Federal agencies that are members of the RRT provide simulation exercises of regional plans to test the abilities of federal, state, and local agencies to coordinate their emergency response activities. Any lessons learned identified as a result of these exercises may be addressed in this RCP so the same problems do not arise during an actual incident.
- iv. Coordination: The RRTs identify available resources from each federal agency and state within their regions. Such resources include equipment, guidance, training, and technical expertise for dealing with chemical releases or oil spills. When there are too few resources in a region, the RRT can request assistance from federal or state authorities to ensure that sufficient resources will be available during an incident. This coordination by the RRT assures that resources are judiciously used, and that no Region is lacking what it needs to protect human health and the environment from the effects of a hazardous substance release or oil discharge.

The primary role of the Area Committee (AC) is to act as a preparedness and planning body, including developing the Area Contingency Plan (ACP). ACs are made up of experienced environmental/response representatives from federal, state and local government agencies, which have definitive responsibilities for the area's environmental integrity.

Each member of the AC represent and communicate/ensure the interests and equities of their respective agencies. The pre-designated OSC for the area will serve as chair of the committee. He or she will designate general direction and guidance for the committee and will oversee appointments to any subcommittees. Within Region 6, the inland area of responsibility is

represented by an inland Area Committee, which EPA selected to be the standing RRT. For the coastal areas, the USCG has assigned Captain of the Ports (COTPs) as the lead of ACs for their respective area of responsibility. The OSC is the federal official responsible for monitoring or directing responses to all oil spills and hazardous substance releases reported to the federal government. The OSC coordinates all federal efforts with, and provides support and information to, local, state and regional response communities.

The OSC is an agent of either EPA or the USCG, depending on where the incident occurs, based on the existing [EPA / USCG MOA boundary map](#). EPA OSCs have primary responsibility for discharges and releases to inland areas and waters, while USCG OSCs have responsibility for coastal areas and waters. DoD can be OSC for spills from/on DoD vessels and facilities. (See Section X. On-Scene Coordinator's: Role, Responsibilities ([40 CFR § 300.120](#))) for more information on OSC roles and responsibilities.

b. Key Components of the NRS – Other Entities

The State On-Scene Coordinator (SOSC) is the lead-agency state official responsible for monitoring or directing responses to all oil discharges and hazardous substance releases reported to the state government. The SOSC coordinates all state efforts during a response and provides support and information to the local government and state response communities. The SOSC is an agent of the lead state agency and works in the unified command with either the EPA OSC or the USCG OSC, depending on where the incident occurs.

SOSCs have responsibility for inland waters or coastal waters based on state regulations and statutes. The SOSC has essentially the same key responsibilities during and after a response to a hazardous substance release or an oil discharge as the OSC, including assessment, mitigation and monitoring, response assistance, and evaluation. However, each of these functions is directed at state-level resources and conditions.

The lead tribal representative is responsible for all tribal coordination, liaison functions through the unified command, and for overseeing all activities on tribal lands. The tribal representative directs and coordinates all tribal resources including any staff or equipment. Within Region 6, there are 65 federally recognized tribes in all states except Arkansas (Louisiana - 4, New Mexico - 22, Oklahoma - 36, Texas - 3). The federal, state, or tribal trustee has lead responsibility for natural resources management during the response and remediation phases. The trustee, working within the Incident Command System structure, oversees all activities related to assessment of the incident impact to natural resources, any wildlife management and rescue, and restoration of any damaged areas. The trustee also directs the formal [Natural Resource Damage Assessment \(NRDA\)](#), is the lead resource for any NRDA claims, and coordinates any NRDA follow-up activities. The lead local agency representative is responsible for the local area assessment, monitoring, response assistance, and evaluation. These functions may be accomplished without the direct assistance of the OSC or the SOSC, if the local agency has the resources and the jurisdictional authority to mitigate and remove or remediate the discharge or release. In situations where additional resources are needed a unified command will be established, consisting of the local representative, the SOSC, and the OSC.

Under OPA, the term “Responsible Party” is used, while under CERCLA, the term “Potentially Responsible Party” is used. Within this RCP, the terms will be used interchangeably. The PRP is the owner of the facility or vessel which is suspected of being the source point for the release or discharge. The PRP is legally responsible for notification,

response, removal and/or remediation activities related to the discharge or release. Several options available to the PRP to accomplish this tasking include: working in the unified command with the OSC and the SOSC; implementing all tasks under the monitoring supervision of the OSC and/or SOSC; working under direct OSC or SOSC management; or allowing the spill response to be fully directed and implemented by the government.

Industry groups, academic organizations, volunteer groups, and others are encouraged to commit resources for response operations. Such resources may be activated by the local agency representative, the SOSC, or OSC. These groups will participate in field activities at the discretion of the unified command, who is responsible for and must ensure safety and health qualifications are met as stated in existing federal regulations under DOL/OSHA.

V. Relationships ([40 CFR Subpart C](#))

a. Coordination With Other RRTs

The Region 6 RRT seeks to maximize its participation with its neighboring RRTs. As such, neighboring RRT Co-Chairs or their designees will be invited to attend all Region 6 RRT meetings and will be given agenda time for presentations upon request.

Periodically, the Region 6 RRT will seek to hold a joint meeting or exercise with a neighboring RRT. The Region 6 RRT will also, upon invitation from a neighboring RRT, provide a representative to attend their meetings as a means of facilitating inter-regional cooperation, building and strengthening useful relationships, and exchanging ideas.

b. Federal Agency Participation

Federal agencies listed in [40 CFR Section 300.175](#) have duties established by statute, executive order, or Presidential directive that may apply to federal response actions following, or in prevention of, the discharge of oil or release of a hazardous substance, pollutant, or contaminant. Federal agencies may be called upon by an OSC during response planning and implementation to provide assistance in their respective areas of expertise.

Some of these agencies have duties relating to the restoration, rehabilitation, replacement, or acquisition of natural resources or services equivalent to those damaged or lost as a result of such discharge or release. Specifically, federal member agency responsibilities include:

- i. Assisting the RRT and OSCs in formulating Region 6's RCP;
- ii. Informing the RRT of changes in the availability of their respective response resources;
- iii. Reporting discharges and releases from facilities or vessels under their jurisdiction or control.

Additional federal agency responsibilities are described in [40 CFR § 300.170](#) of the NCP and in the NRF ESF-10 Support Annex (See [Appendix 10 of Volume 4: Supporting Documentation](#)).

During preparedness planning or in an actual response, various federal agencies may be called upon to provide assistance in their respective areas of expertise, as in [section § 300.175](#) of the NCP. Those federal agencies and their potential assistance will be spelled out in Section XII: Federal and State Agency Representation: *Assistance to the OSC during a Response*.

c. State and Local Participation in Response

State conservation departments, through their state's representative on the RRT, shall coordinate fish and wildlife preservation measures. When necessary, the closing of areas to commercial and recreational fishing due to health hazards will be accomplished by the appropriate state agency. Each governor is requested to designate a lead state agency that will coordinate state-led response operations. That agency is responsible for designating the state's representative(s) to the RRT and the state's OSCs. The state's representative(s) may participate fully in all activities of the RRT.

The lead state agency is responsible for communicating and coordinating with other state agencies as appropriate. The lead state agency will also act as liaison with lead agencies of local government. Local governments are invited to participate in activities on the RRT as may be arranged by the state's representative. State and local government agencies are expected to develop contingency plans that are consistent with the NCP and this RCP.

State and local representatives will be encouraged, along with federal representatives, to actively participate in the development of appropriate sub-area plans that are consistent with contingency plans developed by Local Emergency Planning Committees (LEPCs), as required under the [Emergency Planning and Community Right-to-Know Act \(EPCRA\)](#). Federal, state and local officials will continually work together to improve the coordination of efforts during responses to discharges of oil or releases of hazardous substances. During a specific incident, the lead state agency shall take the following actions as appropriate:

- i. Notify downstream water users (municipal, industrial, and agricultural) of all discharges and releases that may threaten them;
 - ii. Notify and coordinate with other state and local agencies, including state trustees for natural resources;
 - iii. Be jointly responsible with local and federal representatives for:
 1. Assisting in determining the degree of hazard of the discharge or release to public health and safety; and recommending possible mitigative actions;
 2. Providing security for all on-scene responders and equipment. This activity includes establishing local liaison with hospital, services, and police personnel, and in restricting entrance by nonessential personnel to hazardous areas;
 3. Assisting in assessment of environmental damages caused by the discharge or release;
 4. Arranging for use of disposal sites;
 5. Selecting disposal sites;
 6. Selecting transportation routes to disposal sites; and
 7. Assuming responsibility for operation and maintenance of a site, if necessary and when no RP has been identified.
- A. The State of Arkansas
- (1) Under the State Emergency Response Plan, the [Arkansas Department of Environmental Quality \(ADEQ\)](#) is lead state agency for ESF-10 activities, and provides a representative to the RRT.
 - (2) The [Arkansas Department of Emergency Management \(ADEM\)](#) is a support agency for ESF-10 activities and provides the primary representative to the RRT.

- B. The State of Louisiana
- (1) Under the State Emergency Response Plan, ESF-10 has three primary responsible agencies. The [Louisiana Oil Spill Coordinator's Office \(LOSCO\)](#) is responsible for oil spill response and recovery and provides the primary representative to the RRT.
 - (2) The [Louisiana State Police \(LSP\)](#) is responsible for HAZMAT response and recovery and provides a representative to the RRT.
 - (3) The [Department of Environmental Quality \(LDEQ\)](#) is responsible for incidents involving radioactive substances and provides the primary representative to the RRT.
- C. The State of New Mexico
- (1) Under the State Emergency Response Plan, the [New Mexico Environmental Department \(NMED\)](#) is the lead state agency for ESF-10 activities and provides the primary representative to the RRT.
 - (2) The [New Mexico Department of Homeland Security and Emergency Management \(NMHSEM\)](#) is a support agency for ESF-10 activities and provides a representative to the RRT.
- D. The State of Oklahoma
- (1) Under the State Emergency Response Plan, the [Oklahoma Department of Environmental Quality \(ODEQ\)](#) is the lead state agency for ESF-10 activities and provides the primary representative to the RRT.
 - (2) [Oklahoma Office of Emergency Management \(OEM\)](#) is a support agency for ESF-10 activities and provides a representative to the RRT.
- E. The State of Texas
- (1) Under the State Emergency Response Plan, ESF-10 has four primary responsibility and one support agencies. The [Texas General Land Office \(TGLO\)](#) is responsible for incidents involving state-owned lands, coastal oil spills, and onshore/offshore petroleum storage facilities, and provides the primary representative to the RRT.
 - (2) The [Railroad Commission of Texas \(TRRC\)](#) is responsible for incidents involving public safety or environmental threats such as spills or releases resulting from the exploration, development, and production of oil or geothermal resources, and provides the primary representative to the RRT.
 - (3) The [Texas Department of State Health Services \(TDSHS\)](#) is responsible for incidents involving radioactive materials.
 - (4) The Texas Commission on Environmental Quality (TCEQ) is responsible for incidents involving hazardous materials spill response, water quality, and dam safety, and provides the primary representative to the RRT.
 - (5) The [Texas Division of Emergency Management \(TDEM\)](#) is a support agency to ESF-10 responsibilities and provides a representative to the RRT.

d. Local Response

The focus of local responders is usually directed toward abating immediate public safety threats. The degree of local response will depend upon the training and capabilities of local responders relative to the needs of the specific emergency. In some cases this may be using

hazard awareness training knowledge to identify the nature and scope of the hazard. This information is then passed on to state and federal responders who are activated to address the situation with specific expertise and/or capabilities.

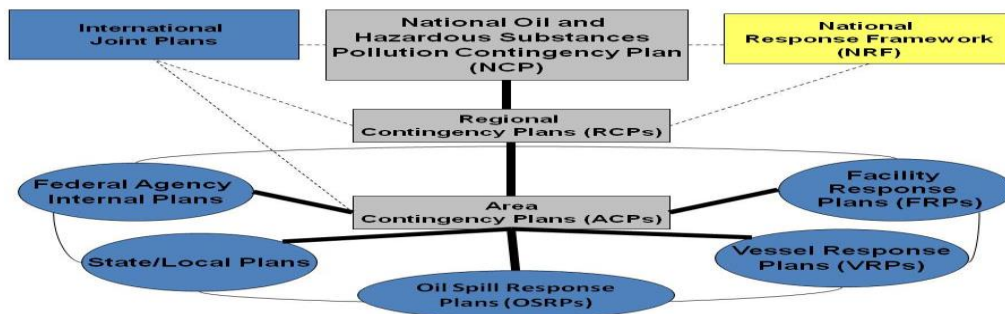
Often local agencies take mitigating actions of a defensive nature to contain the incident and protect the public. In many instances, responsible parties or local agencies are capable of an aggressive response and quick abatement of immediate hazards. Usually in these cases, local authorities rely on state and federal responders to assure that cleanup is complete and remediation is technically sufficient.

A major role of local organizations during all emergency incidents is to provide security for all on-scene forces and equipment. For large incidents, help is often requested through the state emergency management agencies. This activity includes establishing local liaison with hospital, emergency services, and police personnel, as well as restricting entrance to hazardous areas to all but essential personnel. Another important role of local responders during major incidents is to establish an ICS capable of managing emergency response operations from the Incident Command Post (ICP). The local Incident Commander should be able to quickly transition into a Unified Command when more than one jurisdiction is involved in the response action and has the jurisdictional authority for some aspect of the emergency.

e. Non-Governmental Participation

Industry groups, academic organizations, and others are encouraged to commit resources for response operations. This plan anticipates and encourages representation from industry, landowners, volunteer groups, and other stakeholders.

f. Relationship to Other Plans



As many as six levels of emergency-related plans may be found within the federal, state, and local levels of government. A seventh tier of plans appears when those developed by business and industry are considered. Within the planning levels of governments, there are three levels of federal plans; national contingency and response plans, federal RCPs and federal ACPs.

At the state and local level are state plans, regional plans, local plans and departmental and support-agency plans. Each of these plans reflects levels of action and responsibility. Some of these plans are multi-hazard comprehensive plans while others are single-hazard response and coordination plans.

Given the fact that responses to incidents involving oil and hazardous substances will most certainly be multi-organizational and multi-jurisdictional, a basic understanding of each planning level and how the various plans fit together is needed to facilitate integration and coordination of the several plans that may be activated in a response.

Planning and preparedness for disasters occurs at all levels of government, business, and industry. The coordination of actions taken under these plans is critical, particularly in a chemical emergency.

i. [National Contingency Plan \(NCP\)](#)

The NCP, required by CERCLA and the CWA, establishes the roles and responsibilities of various federal agencies to provide for efficient, coordinated, and effective action to minimize damage from oil discharges and hazardous substance releases.

An essential element of the NCP framework for response management is the Incident Command System (ICS) led by a unified command. The unified command approach brings together the functions of the federal government, state and local government, and the party responsible for an incident to achieve an effective and efficient response. Unified Command (UC) is a necessary tool for effectively managing multijurisdictional responses to oil spills and hazardous substance releases.

ii. Regional Contingency Plan (RCP)

At the regional level, planning and coordination is accomplished through the standing RRTs. Each standing RRT is responsible for developing and maintaining a RCP. The purpose of the RCP is to ensure that the roles and responsibilities of federal, state, local, and other responders at an incident site are clearly defined in advance of the incident. To the greatest extent possible, any RCP must follow the format of the NCP, and must be coordinated with state emergency response plans, ACPs, and local emergency response plans.

iii. Area Contingency Plans (ACPs)

Under OPA, Area Committees (ACs) are charged with the responsibility to work with state and local officials to enhance contingency planning and to assure early planning for joint response efforts. In the same way that RRTs develop RCPs, ACs are required to develop ACPs, which describe the strategy for a coordinated federal, state, and local response to a discharge of oil or a release of a hazardous substance. The OSC responsible for the area oversees the process and works with the standing RRT and designated state and local representatives throughout the ACP's development. Within Region 6, ACPs have been developed by ACs representing each of the coastal Captain of the Port zones. Under the direction of the USCG pre-designated OSC, these plans provide specific procedures and details for response to discharges of oil occurring within each designated area.

EPA Region 6 has developed an inland ACP for the inland portions of the Region. This designation of the inland area was made by the EPA Administrator in April 1993. The inland ACP addresses responses to both hazardous substances and oil products. To view the ACPs for Region 6, go to: <http://rrt6.org> and click on Response Plans tab.

iv. State Emergency Operations Plans

State emergency operations plans (EOPs), are generally multi-hazard plans developed by the state emergency management agency to coordinate the responses and response support activities of state agencies in both natural and technological emergency and disaster situations. In Region 6, these state plans can be found at:

- Arkansas:

http://adem.arkansas.gov/ADEM/Divisions/Preparedness/Planning/Documents/2011_AR_Emergency_Operations_Plan%20v1_4.pdf

- Louisiana: www.ohsep.louisiana.gov/plans/EOP.pdf
- New Mexico: http://nmdhsem.org/Emergency_Operations_Plan.aspx
- Oklahoma:

http://ok.gov/OEM/Programs_&_Services/Planning/state_Emergency_Operations_Plan_-_EOP.html

- Texas: www.txdps.state.tx.us/dem/documents/planstate/state_plan.pdf

v. Local Emergency Operations Plans

The local EOP describes the jurisdiction's response to the threats that exist within the community. Unlike the plans developed above the local government, e.g., the state and federal level, local EOPs are true operations plans. The EOPs provide the guidance necessary for coordinated action, including direction and control and the assignment of emergency forces and resources.

Each state in Region 6 has requirements for municipalities and/or counties/parishes to develop comprehensive, all-hazard emergency operation plans. States also provide guidance on how these plans are to be developed and maintained. In Region 6, these guidance documents can be found by contacting each of the state Offices of Emergency Management.

Under the regulations that implement EPCRA ([40 CFR § 355](#)), each LEPC is to prepare an emergency response plan in accordance with [Section 303 of EPCRA](#), and to review the plan once a year, or more frequently as circumstances in the community or at any subject facility may require. Such local emergency response plans should be closely coordinated with applicable ACPs and state emergency response plans.

The LEPC emergency response plan is required to address the hazards that extremely hazardous substances pose to the community. While these are "single-hazard" plans, almost all jurisdictions have incorporated these plans into the community EOP or have used the Title III process to drive the development of a multi-hazard plan.

- In Arkansas, Annex ESF-10 or Annex L of the local EOP addresses EPCRA planning requirements.
- In Louisiana, Annex ESF-10 of the local EOP addresses EPCRA planning requirements.
- In New Mexico, Annex ESF-10 or Annex D of the local EOP addresses EPCRA planning requirements.
- In Oklahoma, Annex Q of the local EOP addresses EPCRA planning requirements.
- In Texas, Annex Q of the local EOP addresses EPCRA planning requirements.

vi. Business and Industry Facility Response Plans

Many businesses and industrial facilities, including vessels that use, store, treat, transport or otherwise handle oil, hazardous substances or hazardous wastes, are required by federal law to prepare emergency or contingency plans to protect their employees and the surrounding communities from fires, explosions and releases of these products. A brief outline of these plans and the facilities required to prepare them follows.

➤ [Hazardous Waste Treatment, Storage And Disposal Facilities, 40 CFR § Part 264.50](#)

Regulations implementing the Resource Conservation and Recovery Act (RCRA) require owners and operators of hazardous waste facilities to prepare a contingency plan that is designed to minimize the hazards to human health or the environment from fires, explosions or any unplanned release of hazardous wastes. These plans must be coordinated with local response agencies as well as state and local emergency response teams. The plan must also name an emergency coordinator, include a list of emergency equipment at the facility and define the emergency procedures to be followed.

➤ Facility/Vessel Response Plans (FRPs/VRPs)

OPA requires that certain facilities and tank vessels, both on-shore and off-shore, which handle, store, transfer or transport oil, prepare a facility or vessel response plan. The implementing regulations that apply to on-shore non-transportation related facilities are promulgated by EPA at [40 CFR §112.20](#).

On-shore transportation related facilities and tank vessels transporting oil are regulated by the USCG, off-shore facilities are regulated by the Bureau of Ocean Energy Management (BOEM)/Bureau of Safety and Environmental Enforcement (BSEE) in the DOI and pipelines by the Pipeline and Hazard Materials Safety Administration (PHMSA) in the DOT. The response plans, developed in accordance with the regulations issued by these agencies, must be consistent with the NCP and the applicable ACP, identify the qualified individual with authority to implement removal actions, identify private personnel and equipment necessary to remove, to the maximum extent possible, a worst case discharge and describe training, equipment testing, exercises and response actions of persons on the vessel or at the facility.

➤ Spill Prevention Control and Countermeasures (SPCC) Plans ([40 CFR § 112](#))

The Oil Pollution Prevention regulation, mandated by the CWA, establishes procedures, methods and equipment requirements to prevent the discharge of oil. The SPCC plans developed are prevention-oriented rather than response plans. The SPCC plan must show that containment and/or diversionary structures or equipment are in place to prevent discharged oil from reaching a navigable water source. This requirement also includes a secondary means of containment of bulk storage tanks and other requirements pertinent to loading/unloading facilities and transfer operation, security consideration, personnel training and spill prevention procedures.

➤ [Facility Risk Management Plans \(RMP\), 40 CFR § 68](#)

The purpose of the CAA provisions for accident prevention is to ensure that facilities take steps to reduce the likelihood and severity of accidental chemical releases that could harm the public and the environment. The substances identified are those that have the greatest potential to pose a hazard to public health and the environment. A facility that stores, manufactures, handles or otherwise uses more than a threshold quantity of a listed substance (which includes 77 acutely toxic substances, 63 flammable gases, volatile flammable liquids and Division 1.1 high explosives) must develop and implement a RMP. This plan must include offsite consequence analysis, a 5-year accident history, a prevention program and an emergency response program.

The written emergency response plan includes specific actions to be taken in response to an accidental release of a regulated substance to protect human health and the environment and must also include procedures for notifying and alerting the public and public response agencies, facility response procedures and a list of all response and mitigation technologies. The RMPs must be coordinated with the local emergency planning committee's community plan prepared under EPCRA.

➤ [Employee Emergency and Fire Prevention Plans, 29 CFR § 1910.38](#)

This planning requirement, mandated by the OSHA Act, is a general coverage requirement applicable to all employers and that designates the actions employers and employees must take to ensure safety from fire and other emergencies. Plans must include emergency escape procedures and route assignments, procedures for reporting emergencies and procedures to account for all employees following an emergency evacuation. These plans must be written, except for employers with fewer than 10 employees where the plan may be communicated orally. These emergency plans should be incorporated where applicable into the RMP required by the CAA.

➤ [Hazardous Waste Operations and Emergency Response \(HAZWOPER\), 29 CFR § 1910.120](#)

This regulation was developed in response to Title I of the Superfund Amendments and Reauthorization Act (SARA) because workers involved in these type operations were not specifically covered. The regulation requires employers to prepare plans covering emergency response by workers at uncontrolled hazardous waste sites (1910.120 (l)), employees conducting operations at RCRA treatment, storage and disposal sites (1910.120 (p)) and employees involved in emergency response to hazardous substance releases (1910.120 (q)). This latter requirement covers employees who are engaged in emergency response no matter where it occurs.

The elements of these response plans are similar and must include planning and coordination with outside parties, recognition and prevention, evacuation routes and procedures, alerting and response procedures and, for emergency response under subparagraph (q), designation of the individual in charge of a site-specific ICS. 1910.120 (q)(6) also mandates the minimum levels of training personnel must have before they can participate in response operations.

➤ [Process Safety Management \(29 CFR § 1910.119\)](#)

The Process Safety Management (PSM) standard is intended to protect workers within a facility from catastrophic releases of specified toxic, flammable and reactive materials. The major difference between this standard and the RMP required by the CAAA is that this standard primarily applies to the inside-the-plant environment, while the RMP deals primarily with offsite emergency procedures and consequences.

➤ [National Response Framework \(NRF\)](#)

The NRF provides the overarching framework for coordinating federal, state, local, and private sector response efforts to domestic incidents. Under the NRF, the DHS (specifically FEMA) coordinates federal response efforts for incidents requiring significant federal interaction, such as emergencies and disasters declared by the President under the Robert T. Stafford Act and terrorist incidents. When the incident involves an actual or potential release of hazardous materials, DHS may activate an annex to the NRF called ESF-10 – Oil and Hazardous Materials Annex (See [Appendix 10 of Volume 4: Supporting Documentation](#)). The activation of ESF-10 brings the resources of the NRS to support the federal response.

ESF-10 addresses environmental hazards from natural disasters such as hurricanes, floods, and tornadoes. In addition, the NRS can provide critical assets to mitigate dangers to public health and the environment from terrorist incidents involving chemical, biological, radiological, nuclear, and high-explosive materials, including weapons of mass destruction. The OSCs, RRTs, and NRT actively participate in counterterrorism preparedness activities to help foster a coordinated federal, state, and local response.

VI. [National Response Team \(NRT\): Organization, Role, Responsibilities \(40 CFR § 300.110\)](#)

Although the NRT does not respond directly to incidents, it is responsible for three major activities related to managing responses: distributing information; planning for emergencies; and training for emergencies. The NRT also supports the RRT in their activities. The NRT has three standing committees to help address issues brought to the NRT.

- a. [Response Committee](#): chaired by EPA, addresses issues such as response operations, technology employment during response, operational safety, and interagency facilitation of response issues (e.g., customs on transboundary issues). Response specific policy coordination and capacity building also reside in this committee.
- b. [Preparedness Committee](#): chaired by the USCG, addresses issues such as preparedness training, monitoring exercises/drills, planning guidance, planning interoperability, and planning consistency issues. Preparedness specific national policy/program coordination and capacity building also reside in this committee.
- c. [Science and Technology Committee](#): chaired by EPA and NOAA in alternating years, provides national coordination on issues that parallel those addressed by the SSC on an incident by incident basis. The focus of this committee is on identifying developed technology and mechanisms for applying those technologies to enhance operational response.

The committee monitors research and development of response technologies and provides relevant information to the RRTs and other organizations within the NRS to assist in the use of such technologies.

The NRT has duties outlined in the NCP (40 CFR § 300.110) to provide support during a response to an oil discharge or hazardous substance release.

- a. When the NRT Should Be Activated
 - i. When an oil discharge or hazardous materials release:
 - (1) Exceeds the response capability of the region in which it occurs;
 - (2) Transects regional boundaries; and/or
 - (3) Involves a substantial threat to the public health or welfare of the U.S. or the environment, substantial amounts of property, or substantial threats to natural resources (e.g., Spills of National Significance);
- b. When requested by a NRT member;
- c. When requested by an OSC;
- d. When requested by a RRT;
- e. When there is competition for resources that requires national interagency adjudication; and/or
- f. When there are questions requiring interagency input into answers at national level.
- g. Types of NRT Activation
 - i. Full activation: All of the NRT member agencies are asked to assist in the NRT's activities related to the response, either face-to-face in a location designated by the NRT Chair or by conference call.
 - ii. Partial activation: Specific agencies are called upon by the NRT Chair to assist in the NRT's activities related to the response. Participation will either be face-to-face in a location designated by the NRT Chair or by conference call.
- h. Information included in Activation: During the initial NRT activation meeting, the NRT Chair will inform the representatives of member agencies of the following:
 - i. Reason for and background of the activation;
 - ii. Status of the incident and the federal response, as known;
 - iii. Relevant RRT activities to date;
 - iv. Type of activation (full or partial);
 - v. If a partial activation, the member agencies involved and reason(s) for their selection; and
 - vi. The agency to chair activated NRT (dependent on which agency provides OSC).
- i. Instructions during Activation: The Chair of the activated NRT will, then:
 - i. Provide specific information and/or assistance requests to other agencies;
 - ii. Provide the participating member agencies with information on planned agency response actions;
 - iii. Identify the Operations Center to support the activated NRT (e.g., NRC, EPA EOC, or Agency Operations Center);
 - iv. Prioritize requests and establish deadlines for completion of tasks;
 - v. Provide for method of furnishing updated information to each member agencies;
 - vi. Establish a time and method (telephone or video teleconference) for the activated NRT to confer with the activated RRT and the appropriate OSC(s);

- vii. Provide the members of the activated NRT and the NRT Executive Director with the means to contact him/her, on a 24-hour continuous basis;
- viii. Establish a schedule for future conferences or next meeting date/time and method/location; and
- ix. Ensure the NRT Executive Director documents decisions made, the actions taken and the rationale for them.

VII. Standing Regional Response Team: Organization, Role, Responsibilities (40 CFR § 300.115)

The RRT is responsible for regional planning and preparedness activities before response actions, and for providing advice and support to the OSC or RPM when activated during a response. The Region 6 RRT is comprised of members from fifteen federal departments and agencies having representatives on the NRT, plus five regional state government representatives from the states of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Each participating federal agency shall designate one member and at least one alternate member to the RRT. Agencies whose regional subdivisions do not correspond to the standard federal regions may designate additional representatives to the standing RRT to ensure appropriate coverage of the standard federal region.

Each state governor is requested to assign an office or agency to represent the state on the Region 6 RRT; to designate representatives to work with the RRT in developing a RCP; to plan for, make available, and coordinate state resources; and to serve as the contact point for coordination of response with local government agencies, whether or not represented on the RRT. Many of our states have multiple agency representatives (e.g., Arkansas – Arkansas Department of Emergency Management and Arkansas Department of Environmental Quality).

The state's RRT representative should keep the State Emergency Response Commission (SERC) apprised of RRT activities and coordinate RRT activities with the SERC. Tribal governments may arrange for representation with the RRT appropriate to their geographical location. Federal member agencies have duties established by statute, executive order, or Presidential directive which may apply to federal response actions following, or in prevention of, the discharge of oil or release of a hazardous substance, pollutant, or contaminant. Some of these agencies also have duties relating to the restoration, rehabilitation, replacement, or acquisition of equivalent natural resources injured or lost as a result of such discharge or release.

The two principal components of the RRT mechanism are a standing team, which consists of designated representatives from each participating federal, state, and local agency, and an incident-specific team, where participation will relate to the technical nature of the incident and its geographic location. The standing RRT serves as the regional body for planning and preparedness actions before a response action to a significant oil or hazardous substance incident is taken. Except for periods of activation for an incident-specific response action, the representatives of EPA and USCG shall act as Co-Chairs. The standing RRT's general activities should include the development of communication systems and procedures, planning and preparedness, training and exercises, coordination, evaluation, and other related pollution preparedness matters on a region-wide basis. Members (and/or alternate members) of the standing RRT will be available as needed for quick discussion, decision-making, and advisement to an OSC during a response to an actual discharge of oil or release of hazardous material. Members of the standing RRT will participate in the development of procedures (such as for the

use of alternative response technologies) to facilitate support to Region 6 OSCs during a response to a discharge or release.

The Region 6 RRT has developed several pre-authorizations or expedited approval processes to assist the OSC during an oil spill response.

a. Preauthorization to conduct In-Situ Burns

This document contains the background information and guidance necessary to aid the OSC while considering the use of in-situ burning as an oil spill countermeasure. The intended use of this document is for oil spills three (3) nautical miles or more offshore of the Louisiana and Texas shorelines, but can be used for inland spills also with specific approval from the RRT. See Appendix 13 of Volume 4: Supporting Documentation.

b. Preauthorization to Apply Dispersants – Aerial and by Boat

This document is designed to provide for the timely use of dispersants, along with considerations for the use of mechanical techniques and in-situ burning for offshore oil spill response. It provides for meaningful, environmentally safe, and effective dispersant operation. See Appendix 11 of Volume 4: Supporting Documentation.

c. Expedited Approval Process to Apply Dispersants Near Shore

This document is designed to provide the RRT with an expedited information gathering and decision-making process relative to the potential use of chemical dispersants on oil spills in, or threatening the near shore environment (NSE) of Region 6. The NSE is defined as the Gulf of Mexico waters seaward of the shoreline but shoreward of the ten-meter isobath or three (3) nautical miles, whichever is farthest from the shore. This is not a dispersant use pre-authorization, and therefore RRT6 concurrence is required on a case-by-case basis with the use of this document. See Appendix 12 of Volume 4: Supporting Documentation.

d. Preauthorization to Use Surface Washing Agents

This document grants pre-authorization to all coastal OSCs for using surface washing agents identified in their respective coastal ACP. The product must be listed in the NCP Product Schedule, and only pre-identified and approved port locations listed in the ACP can be considered. Otherwise, the OSC must seek concurrence from the RRT on a case-by-case basis. See Appendix 23 of Volume 4: Supporting Documentation.

Members of the standing RRT will arrange for and/or participate in training and exercises to maintain familiarity with their respective agency potential response roles to an oil discharge or hazardous material release.

For a more detailed description of the roles and responsibilities of the standing RRT, refer to 40 CFR § 300.115, as well as the Region 6 Regional Response Team By-Laws, and the Regional Response Team Job Aid developed by the RRT.

VIII. Incident-Specific RRT: Organization, Role, Responsibilities, and Activation (40 CFR § 300.115)

- a. When the RRT Should Be Activated: The RRT should be activated as an intergovernmental coordination team when an actual or potential discharge or release:
 - i. Exceeds the response capability available to the OSC in the place where it occurs;
 - ii. Crosses state boundaries;
 - iii. May pose a substantial threat to the public health, welfare, environment, or to regionally significant amounts of property;
 - iv. Otherwise meets the definition of a major discharge as defined in the NCP; or
 - v. When requested by the OSC or an RRT representative.

Using the above criteria, any RRT representative may request either Co-Chair to activate the RRT. The request should normally be made to the USCG Co-Chair for coastal incidents and to the EPA Co-Chair for inland incidents. The request may be transmitted either verbally, in writing, by fax, or electronic mail.

Once a Co-Chair chooses to activate the RRT or receives such a request from another RRT representative, the other Co-Chair will be notified of the decision. The USCG Co-Chair will assume the lead for coastal incidents and the EPA Co-Chair will be the lead for inland incidents. Notification of remaining RRT members will be the responsibility of the lead Co-Chair and may be delegated to the respective RRT Coordinator or other staff representatives.

- b. Activities of Activated RRT: When activated, the RRT may meet or convene by teleconference or other suitable means at the discretion of the incident-specific Chair and may:
 - i. Monitor and evaluate reports from the OSC. The RRT may advise the OSC on the duration and extent of the federal response and may recommend to the OSC specific actions in responding to the discharge or release;
 - ii. Request other federal, state, or local government, or private agencies to provide resources under their existing authorities to assist the OSC's response efforts;
 - iii. Help the OSC prepare information releases for the public and for communications with the NRT;
 - iv. If circumstances warrant, make recommendations to the regional or district head of the agency providing the OSC that a different OSC should be designated; and
 - v. Submit Pollution Reports (POLREPs) to member agencies and other entities as significant developments occur.

Arrangements for meeting locations and/or teleconferences will be the responsibility of the incident-specific Chair or designated representative. The recording and distribution of summaries of meetings or teleconferences conducted upon RRT activation shall also be the responsibility of the incident-specific Chair or other designated representative. An incident-specific RRT activation may take place by telephone, by assembly, or other suitable means.

- c. Levels of Activation: Levels of activation are listed below.
 - i. Alert: Notification of RRT members that an incident has occurred.

- ii. Standby: Notice to some or all RRT members that their services may be needed and that they are to assume a readiness posture and await further instructions. Notice may be given by phone.
- iii. Partial: Notice to selected RRT members that their services are required in response to a pollution incident. The activation notice will specify the services requested and the services that will be required. The initial activation notice may be provided by telephone.
- iv. Full: Notice to all RRT members (with the exception of representatives of non-affected states) that their services are requested in response to a pollution incident. The activation notice will specify the services being requested from each RRT member. The services of some members may be limited to advising the OSC on general matters. The initial activation notice may be provided by telephone.

The RRT will be deactivated by the incident-specific Chair typically after a discussion with the RRT agencies. The incident-specific Chair, or their representative, will be responsible for notifying RRT members of the deactivation.

The dates and times for activation and deactivation should be included in POLREPs or other summaries generated by the OSC or the incident-specific Chair and/or documented in summaries of meetings or teleconferences of the RRT. Summaries will be posted on the RRT-6 web site (list-hyperlink).

d. Role of the RRT during an Emergency Support Function (ESF)-10 Response

When ESF-10 is activated under the NRF, the lead agency (EPA or USCG) is responsible for developing a plan for providing the support requested under the appropriate ESF-10 mission assignment, including organizing support from ESF-10 support agencies, as needed. In most major responses under the NRF, many of the Region 6 RRT members will be activated to the FEMA Regional Response Coordination Center (RRCC) in Denton, TX, or the Joint Field Office (JFO) for a particular incident (which is located in the state where the incident occurred).

These RRT members can provide a forum for environmental concerns and are critical for internal ESF-10 coordination within the RRT. In other cases, it may be appropriate to activate an incident-specific RRT to coordinate and communicate among ESF-10 partner agencies. The RRT can provide the following unique features in support of ESF-10 response activities:

- i. RRTs build and maintain pre-incident partnerships with other federal agencies, states, tribes, tribal nations, native villages and some industry and local agencies.
- ii. Incident-specific RRTs can be convened with little advance notice to provide coordination, communication or technical support.
- iii. RRTs can provide environmental policy and coordination support for the ICs and OSCs.

When a RRT is activated for an ESF-10 response, it is the responsibility of the regional ESF-10 lead to ensure appropriate coordination between the RRT and JFO, if needed.

While a JFO is not stood up for every ESF-10 activation (sometimes it is just FEMA RRCC activation), another unique role that a RRT can provide includes acting as an advisory unit to the Debris Workgroup and/or to the Interagency Health and Safety Committee, both of which may be established at the JFO or RRCC. Members of a RRT have strong regional knowledge, broad

ranges of experience and expertise, and large professional working networks. Thus, in addition to a RRT's traditional role in support of OSCs who are responding to oil and hazardous substance incidents, they should be considered as a source for interagency liaison, anticipation of future issues, technical assistance, advice and identification of potential resources to address the various environmental and public health missions that may be addressed under ESF-10.

The RRT can serve as a forum through the FEMA Liaison to leverage action and discussion regarding the use, or intended use of Stafford Act funding for ESF-10 activities. There is precedent for this in a dated memorandum of understanding (MOU / Makris-Suter memo) or memorandum of agreement (MOA) for the use of Stafford Act funding to support ESF-10 activity. During a Stafford Act incident, Stafford Act funding will be used to address oil and hazardous materials incidents that are not at pre-existing sites under CERCLA or Federal Water Pollution Control Act (FWPCA), for which federal assistance is requested.

IX. On-Scene Coordinators (OSCs): Role, Responsibilities (40 CFR § 300.120)

The OSC is the pre-designated federal official, directing response efforts, and coordinating other efforts, at oil or hazardous substance incidents in accordance with executive powers delegated through law, regulation, executive orders and agency delegations. The NCP charges the OSC with the responsibility for ensuring immediate and effective response to a discharge or release. Under the NRS, a major duty of the OSC is to coordinate with state and local response organizations.

As part of the planning and preparedness for response within Region 6, OSCs are pre-designated by EPA and USCG for the areas prescribed by their respective agency.

DOD and DOE shall designate an OSC as stated in the NCP, 40 CFR § 300.120 paragraphs (c) and (d) for hazardous substance releases from or on vessel and facilities under their control. Other federal agencies are responsible for non-emergency removals, as stated in the NCP, 40 CFR § 300.120 (c)(2).

The OSC is responsible for overseeing development of the ACP in the area of the OSC's responsibility. ACPs shall, as appropriate, be accomplished in cooperation with the RRT, and designated state and local representatives, and other non-governmental entities. In contingency planning and response incidents, the OSC coordinates, directs, and reviews the work of other agencies, ACs, states, responsible parties, and contractors to assure compliance with the NCP and RCP, decision document, consent decree, administrative order, and lead agency-approved plans applicable to the response.

The OSC's efforts shall be coordinated with other appropriate federal, state, local, and private response agencies. The OSC may designate capable persons from federal, state, or local agencies to act as their on-scene coordinator's representatives. The OSC should ensure that any person designated to act as an on-scene coordinator's representative is adequately trained and prepared to carry out actions under the NCP and RCP to the extent practicable. Actions may include sampling and monitoring, controlling the source of the release, on-site treatment, and off-site waste disposal.

The OSC also provides access to the expertise of the NRS federal member agencies, and is a valuable source of support and information to the local response. The OSC should consult regularly with the RRT in carrying out the NCP and keep the RRT informed of activities under the NCP and ACP. The OSC shall advise the support agency as promptly as possible of reported discharges or releases. For a more detailed explanation of the OSC's role and responsibilities

during a response, see 40 CFR § 300.120 – Federal On-Scene Coordinator, as well as the Area Contingency Plans developed and implemented within Region 6.

X. Agency Representation: OSC Assistance During a Response (40 CFR § 300.170 & 300.175)

The responsibilities of the federal agencies listed in this section have been established by statute, executive order, or Presidential directive. The responsibilities listed may apply to federal actions in the prevention of, or following the discharge of oil or release of a hazardous substance, pollutant, or contaminant.

Additionally, some of these agencies also have duties relating to the restoration, rehabilitation, replacement, or acquisition of equivalent natural resources injured or lost as a result of such discharge or release.

During preparedness planning or in an actual response, these federal agencies, consistent with their legal authorities and capabilities, may be called upon to provide assistance in their respective areas of expertise, as indicated in this section.

To be responsive to the requirements of this RCP, all RRT member agencies should plan for emergencies and develop procedures for addressing oil discharges and releases of hazardous substances, pollutants, or contaminants from vessels and facilities under their jurisdiction, custody, or control.

All federal Region 6 RRT member agencies should be prepared to provide OSCs with assistance from their respective agencies commensurate with their responsibilities, resources, and capabilities. Responsibilities common to all RRT member agencies include:

- Providing representatives to the RRT and assisting the RRT in the formulation of this RCP and providing assistance to designated OSCs in the development of ACPs and when requested during federal response operations;
- Informing the RRT of changes in the availability of their response resources and;
- Reporting discharges and releases from facilities or vessels, to the NRC, under their jurisdiction or control.

Additionally, the five states represented on the RRT have also provided information on their roles and responsibilities under their respective State Emergency Operations Plan. This information can be useful to an OSC during a response in that State.

a. United States Environmental Protection Agency (USEPA)

EPA provides the Co-Chair of the Region 6 standing RRT and provides pre-designated OSCs for the inland zone. EPA is responsible for providing expertise regarding ecological and environmental effects of pollution releases and environmental pollution control techniques. As described in the NCP, EPA is required to prepare for and respond to any release or threat of release of oil, hazardous substances, pollutants, or contaminants into the environment that may present an imminent and substantial threat to public health or welfare and the environment.

Legal authority for the NCP is drawn from several federal laws including CERCLA, OPA, CWA, EPCRA, and the Stafford Act. In addition, EPA is prepared for, and will respond to

terrorist threats from weapons of mass destruction (WMD), primarily in the role of consequence management.

EPA will also advise the RRT and the OSC of the degree of hazard a particular release poses to the public health and safety, coordinate damage assessment and will generally provide the Scientific Support Coordinator for the inland zone. Access to EPA's scientific expertise can be facilitated through the EPA representative to the Research and Development Committee of the NRT; the EPA Office of Research and Development's Superfund Technical Liaisons or Region 6 scientists located in EPA Region 6 offices; or through EPA's Environmental Response Team (ERT). EPA also provides legal expertise on the interpretation of CERCLA and other environmental statutes. EPA may enter into a contract or cooperative agreement with the appropriate state in order to implement a response action.

b. United States Coast Guard (USCG)

The USCG is an agency within the Department of Homeland Security (DHS). The USCG provides the Co-Chair for the standing RRT and pre-designated OSCs for the coastal zone. Within Region 6, those COTP zones comprise the following:

- i. New Orleans, LA
- ii. Morgan City, LA
- iii. Port Arthur, TX
- iv. Houston-Galveston, TX
- v. Corpus Christi, TX

The USCG maintains continuously staffed facilities which can be used for command and control, and for surveillance of oil discharges and hazardous substance releases occurring in the coastal zone. The USCG supplies expertise in the domestic/international fields of port safety and security, maritime law enforcement, navigation, and construction, and the manning, operation, and safety of vessels and marine transportation facilities.

The USCG also provides response support through the Strike Teams and the National Strike Force Coordination Center (NSFCC).

The USCG may enter into a contract or cooperative agreement with the appropriate state in order to implement a response action. Where appropriate, the USCG may transfer lead-agency duties to EPA for response to non-emergency hazardous substance releases within the coastal zone of Region 6 (see [Appendix 5 of Volume 4: Supporting Documentation](#)).

c. Department of Health And Human Services (DHHS)

The Office of the Assistant Secretary for Preparedness and Response (ASPR) provides the principal DHHS response and is coordinated with regional offices. Within DHHS, the primary response to a hazardous materials emergency comes from the Agency for Toxic Substances and Disease Registry (ATSDR) and Centers for Disease Control (CDC). DHHS provides:

- i. Expertise and advice on public health and worker safety issues associated with releases or threatened releases of hazardous substances;
- ii. All health studies and surveys conducted under CERCLA;

- iii. Information concerning the health effects of toxic substances; and
- iv. Technical and nontechnical assistance in the form of advice, guidance, and resources to other federal agencies, as well as to state and local governments.

Both ATSDR and CDC maintain a 24-hour emergency response capability, wherein scientific and technical personnel are available to provide technical assistance to the OSC and state and local response agencies on human health threat assessment and analysis, and exposure prevention and mitigation. Such assistance is used for situations requiring evacuation of affected areas, human exposure to hazardous materials and technical advice on mitigation and prevention. CDC takes the lead for the above-mentioned functions during petroleum releases regulated under the CWA and OPA of 1990. In addition, CDC is responsible for coordinating all public health responses on the federal level and for coordinating all responses with tribal, state, and local health agencies during an oil response.

ATSDR takes the lead for the above-mentioned functions during chemical releases under CERCLA. Additionally, two ATSDR representatives are assigned to Region 6 to assist in EPA/ATSDR communications. Regional representatives assist in emergency response events that involve RRT issues by coordinating with ATSDR headquarters Emergency Response and Consultation Branch and with the CDC RRT representative. Under CERCLA Section 104(i), ATSDR is required to:

- i. Establish appropriate disease/exposure registries;
- ii. Develop, maintain, and provide information on health effects of toxic substances;
- iii. Conduct research to determine relationships between exposure to toxic substances and illness;
- iv. Together with EPA, develop guidelines for toxicological profiles for hazardous substances;
- v. Develop educational materials related to health effects of toxic substances for health professionals.

In addition, the ASPR is authorized under the NCP to provide medical care and supplies during emergencies. Other DHHS agencies involved in support during hazardous materials incidents either directly or through ATSDR/CDC include:

- Food and Drug Administration
- Health Resources and Services Administration
- Indian Health Service, and
- National Institutes of Health.

d. Department of Agriculture (USDA)

The USDA has the capability to measure, evaluate and monitor situations where natural resources have been impacted by fire, insects and disease, floods, hazardous substances and other emergencies. The USDA may be contacted through the U.S. Forest Service (USFS) emergency staff officers who are the designated members of the RRT.

The USDA is represented on RRT 6 by the USFS office in Atlanta. In addition, the USDA is among those agencies designated by the NCP as a federal Trustee for Natural Resources. Other USDA agencies include:

- i. The USFS is responsible for protection and management of national forests and grasslands. The USFS is also responsible for prevention and control of fires in rural areas, in cooperation with state foresters and appropriate federal agencies; and emergency production, availability, and utilization of timber and timber products in cooperation with the Department of Commerce. The USFS maintains specially trained incident management teams and also has the capability to provide emergency communication systems, specialized aircraft, and human support facilities for large groups of people.
- ii. The Food and Nutrition Service (FNS), through the Food Distribution Program, provides food as emergency assistance to disaster victims. In appropriate emergency situations, FNS will authorize state agencies to issue food stamps based on emergency procedure.
- iii. The Food Safety and Inspection Service (FSIS) has responsibility to prevent meat and poultry products contaminated with harmful substances from entering human food channels. In emergencies, the FSIS works with other federal and state agencies to establish acceptability for slaughter and disposal of exposed or potentially exposed animals and their products. In addition, the FSIS is charged with managing the Federal Radiological Emergency Response Program for the USDA. The FSIS tests meat and poultry products for the presence of volatile drugs, chemical residues, and other adulterants.
- iv. The Agricultural Stabilization and Conservation Service (ASCS) in cooperation with the Forest Service, Soil Conservation Service, and Army Corps of Engineers, is responsible for emergency plans and preparedness programs for food processing, storage, and distribution through the wholesale level.
- v. The Animal and Plant Health Inspection Service (APHIS) can respond in an emergency to regulate movement of diseased or infected organisms to prevent the spread and contamination of non-affected areas. APHIS provides expertise on plant and animal diseases and health.
- vi. The National Agricultural Statistics Service (NASS) serves as a source of data on crops, livestock, poultry, dairy products, and labor. State statistical offices collect and publish local information on these topics.
- vii. The Agriculture Research Service (ARS) administers an applied and developmental research program in animal and plant protection and production; the use and improvement of soil, water, and air; the processing, storage, and distribution of farm products; and human nutrition. The ARS has the capabilities to provide regulation of, and evaluation and training for, employees exposed to biological, chemical, radiological, and industrial hazards. In emergency situations, the ARS can identify, control, and abate pollution in the areas of air, soil, wastes, pesticides, radiation, and toxic substances for Agriculture Research Service facilities.
- viii. The Natural Resource Conservation Service (NRCS) has personnel in nearly every county in the nation who is knowledgeable in soil, agronomy, engineering, and biology. These personnel can help to predict the effects of pollutants on soil and their movements over and through soils. Technical specialists can assist in identifying potential hazardous waste sites and provide review and advice on plans for remedial measures.

e. Department of Commerce (DOC)

The DOC, through the NOAA, has two roles within Region 6:

- i. Scientific Support Coordinator (SSC): In accordance with the NCP, the SSC provides scientific support for response and contingency planning in coastal and marine areas, including assessments of the hazards that may be involved, predictions of movement and dispersion of oil and hazardous substances through trajectory modeling, and information on the sensitivity of coastal environments to oil and hazardous substances and associated clean-up and mitigation methods; provides expertise on living marine resources and their habitats, including endangered species, marine mammals and National Marine Sanctuary ecosystems; provides information on actual and predicted meteorological, hydrological, ice, and oceanographic conditions for marine, coastal, and inland waters, and tide and circulation data for coastal and territorial waters and for the Great Lakes.
- ii. National Resource Trustee: The Secretary of Commerce acts as trustee for natural resources managed or controlled by DOC, including their supporting ecosystems. 40 CFR § 300.600(b), (b)(1). The Secretary of Commerce also acts as trustee for natural resources managed or controlled by other federal agencies that are found in, under, or using waters navigable by deep draft vessels, tidally influenced waters, or waters of the contiguous zone, the exclusive economic zone, and the outer continental shelf. Therefore, all federally managed or controlled resources that are found in those waters, such as water and sediments that form navigation channels and that are managed, controlled, and maintained by the Army Corps of Engineers, and the fisheries that are controlled by the Food and Drug Administration through derivation of action levels, fall within DOC trusteeship.

The Secretary has delegated his/her authority to act as trustee to the Administrator of NOAA. The NCP also cites as examples of DOC trusteeship the following natural resources and their supporting ecosystems: migratory birds, anadromous fish, and endangered species and marine mammals. 40 CFR 300.600(b)(1), (b)(2). Under OPA and the NCP, NOAA has specific responsibilities as a natural resource trustee that includes:

- i. Receiving notification of potential or actual spills threatening NOAA resources; and
- ii. Being consulted on the preparation of the fish and wildlife and sensitive environments annex (this includes concurring on specific countermeasures or removal actions during the contingency planning phase); and
- iii. Being consulted on removal actions during an incident; and
- iv. Implementing natural resource damage assessment activities

All of these activities are intended to minimize impacts and to restore the environment.

RRT Member: Has the primary goal to support the appropriate RRT Co-Chair who supports the federal OSC by providing advice and resources that will protect the environment effectively, mitigate collateral harm, and facilitate environmental recovery. Carries out this goal by:

1. Serving as an access point to other DOC resources and expertise, usually outside NOAA HAZMAT, that have primary roles in carrying out NOAA's trusteeship role during spills;

2. Representing DOC in carrying out its policy responsibilities (such as trusteeship);
3. Helping the NOAA SSC provide technical assistance, if needed; and
4. Representing NOAA HAZMAT at meetings where the SSC cannot be present.
5. This member can provide:
 - A. Scientific expertise on living aquatic resources for which DOC is responsible
 - B. Current and predicted meteorological, hydrologic, ice, and limnologic conditions
 - C. Charts and maps
 - D. Communication services to the general public, various levels of government, and the media via its NOAA weather wire and NOAA weather radio systems

These roles are the responsibility of all DOC representatives, whether from NOAA HAZMAT, NOAA National Marine Fisheries Service (NMFS), or NOAA National Weather Service (NWS).

f. Department of Defense (DOD)

The DOD can take all actions necessary to respond to releases of hazardous substances where either the release is on, or the sole source of the release is from, any facility or vessel under the jurisdiction, custody or control of DOD. In these situations, DOD will provide the OSC. DOD also serves as a federal trustee for natural resources on DOD property.

In addition to those capabilities provided by the USN Supervisor of Salvage (SUPSALV), DOD may also, consistent with its operational requirements and upon request of the OSC, provide locally deployed USN oil spill equipment and provide assistance to other federal agencies on request. The following branches of DOD have particularly relevant expertise:

- i. U.S. Army Corps of Engineers (USACE) has specialized equipment and personnel for maintaining navigation channels, for removing navigation obstructions, for accomplishing structural repairs, and for maintaining hydropower electric generating equipment. The USACE can also provide design services, perform construction, and provide contract writing and contract administrative services for other federal agencies. Where appropriate, the USACE can also assist the OSC in organizing and carrying out the relocation of residents whose persons or residences are actually or potentially affected by a discharge or release. USACE, through the auspices of ESF-3 can provide the following:
 1. Coordination and support of infrastructure risk and vulnerability assessments.
 2. Participation in pre-incident activities, such as the positioning of assessment teams and contractors, and deploying advance support elements.
 3. Participation in post-incident assessments of public works and infrastructure to help determine critical needs and potential workloads.
 4. Implementation of structural and nonstructural mitigation measures, including deployment of protective measures, to minimize adverse effects or fully protect resources prior to an incident.
 5. Execution of emergency contracting support for life-saving and life-sustaining services, to include emergency power, and other emergency commodities and services.

6. Providing assistance in the monitoring and stabilization of damaged structures and the demolition of structures designated as immediate hazards to public health and safety. Also, providing structural specialist expertise to support inspection of mass care facilities and urban search and rescue operations.
 7. Providing emergency repair of damaged infrastructure and critical public facilities (temporary power, emergency water, sanitation systems, etc.).
 8. Supporting the restoration of critical navigation, flood control, and other water infrastructure systems, including drinking water distribution and wastewater collection systems.
 9. Managing, monitoring, and/or providing technical advice in the clearance, removal, and disposal of debris from public property and the reestablishment of ground and water routes into impacted areas.
 10. Managing, monitoring, and/or providing technical advice in the demolition and subsequent removal and disposal of buildings and structures contaminated with chemical, biological, radiological, and nuclear (CBRN) elements, in consultation with ESF-10.
 11. Providing coordination and technical assistance (to include vessel removal, significant marine debris removal, and hydrographic survey) to effect the rapid recovery and reconstitution of critical waterways, channels, and ports.
 12. Providing technical assistance to include engineering expertise, construction management, contracting, inspection of private/commercial structures, and real estate services.
 13. Implementation and management of the DHS/FEMA Public Assistance Program and other recovery programs between and among federal, state, tribal, and local officials, to include efforts to permanently repair, replace, or relocate damaged or destroyed public facilities and infrastructure.
- ii. The U.S. Navy has extensive experience and trained personnel for the performance of search and rescue/recovery activities. Search and rescue/recovery operations generally include the use of aircraft and surface vessels. Joint USN/USCG search and rescue/recovery operations are coordinated by the relevant Navy Fleet Command and Eighth USCG District. USN Supervisor of Salvage is most knowledgeable and experienced in responding to salvage-related and open-sea pollution incidents.
 - iii. Under the NCP, SUPSALV is designated as a special team to the OSC, further supported by the NRF where SUPSALV operates under ESF-3 and ESF-10, for debris and pollution removal, respectively. During normal operations, SUPSALV would contract through their standing contracts executing a military interagency purchase request (MIPR). In post-disaster operations where a disaster has been declared, unless the OSC is the DOD, funding will be made available via the Stafford Act, provided through the USACE (ESF-3, Channel Clearance) or the USCG (ESF-10, Oil Spill Response). Activities, both pre and post-disaster, are accomplished with the USCG per a MOU dated 13 August 1980 and with the USACE per an Inter Service Support Agreement dated 01 January 2011.
 - iv. In cases where SUPSALV contractors operate government owned equipment (GOCO) in support of USCG missions, only direct mission costs are charged. Several may be used in a single operation. The most pertinent SUPSALV contracts are:
 1. Emergency Ship Salvage Material (ESSM) - Maintains and operates a very large array of GOCO Oil Spill Response and Salvage equipment from manned bases in

Virginia, California, Alaska and Hawaii and unmanned facilities in Italy, Bahrain, Singapore, and Japan.

2. Deep Search and Recovery - Maintains and operates an array GOCO Remotely Operated Vehicles (ROVs).
3. East Coast Salvage Contract - Contractor owned and operated (COCO) Salvage and Towing for the Atlantic and Mediterranean.
4. West Coast Salvage Contract - COCO Salvage and Towing for the Eastern Pacific.
5. Western Pacific Salvage Contract - COCO Salvage and Towing for the Western Pacific and Indian Ocean

g. Department of Energy (DOE)

The DOE generally provides designated OSCs that are responsible for taking all response actions with respect to releases where either the release is on, or the sole source of the release is from, any facility or vessel under its jurisdiction, custody, or control, including vessels bareboat-chartered and operated by DOE.

In addition, DOE, under the Radiological Assistance Program (RAP), provides advice and assistance to other OSCs for emergency actions essential for the control of immediate radiological hazards. Incidents that qualify for DOE radiological advice and assistance are those believed to involve source, byproduct, or special nuclear material or other ionizing radiation sources, including radium and other naturally occurring radionuclides, as well as particle accelerators.

Assistance is available through direct contact with the appropriate DOE RAP Regional Office. The national 24-hour DOE contact number is (202) 586-8100 to request emergency DOE radiological assistance. Region 6 includes two RAP Regions: RAP 2 (LA, AR) and RAP 4 (NM, TX, OK). For the RAP 2 states, the 24 hour number is (865) 576-1005 and for the RAP 4 states, the 24-hour number is (505) 845-4667.

The DOE provides assistance and response assets to the designated OSC for responses to releases on or from any facility or vessel under its jurisdiction. In addition, DOE is among those agencies designated by the NCP as a federal trustee for natural resources on DOE property.

h. Federal Emergency Management Agency (FEMA)

FEMA provides guidance, policy and program advice and technical assistance in hazardous materials, chemical and radiological emergency preparedness activities. FEMA monitors and provides technical assistance regarding public sector emergency response planning, training and exercising for incidents involving hazardous materials. FEMA requires the development, evaluation, and exercise of all-hazard contingency plans for all FEMA-funded jurisdictions at the state and local levels.

During a response, FEMA provides advice and assistance to the lead agency on coordinating federal assistance for preparedness, mitigation, response, and recovery efforts with other federal agencies; tribal, state, and local governments; non-organizations and the private sector.

When the President declares a disaster or emergency, FEMA coordinates federal assistance via the Stafford Act, through the activation of the NRF. Coordination with the FCO in a situation where both this RCP and the FEMA Regional Response Plan authorities are active

takes place through the ESF-10. During response to a terrorist event, FEMA coordinates federal consequence management response.

For non-Stafford Act events/incident FEMA can provide federal to federal support to the lead federal agency via an interagency agreement (IAA).

i. General Services Administration (GSA)

The U.S. General Services Administration (GSA) leverages the buying power of the federal government to acquire best value for taxpayers and its federal customers. GSA exercises responsible asset management. GSA delivers superior workplaces, quality acquisition services, and expert business solutions. GSA develops innovative and effective management policies.

In emergencies—as in everyday operations—GSA provides other federal agencies with what they need to do their jobs. GSA can go to the site of an incident and find suitable space for the response team to set up operations, furnish and equip the space, and set up telecommunications. GSA is capable of providing:

- i. Emergency relief supplies;
- ii. Facility space: GSA will ensure that a suitable operating facility, using pre-identified locations where applicable, is acquired and ready to occupy within 72-hours of receiving RRT requirements and/or RRT acceptance of the space;
- iii. Office equipment: All required office furniture and equipment is provided from federal inventories or commercial sources;
- iv. Office supplies: Office supplies and other expendables are provided from inventory or other government and commercial sources. Small businesses and vendors in the affected area are used whenever possible;
- v. Telecommunications (in accordance with the Office of Science and Technology Policy (OSTP) National Plan for Telecommunications Support in Non-Wartime Emergencies);
- vi. Contracting services: Support is provided as required to augment RRT and other agency procurement functions on a case-by-case basis, using GSA contracting resources;
- vii. Transportation services including short term leasing arrangements and;
- viii. Personnel required to support immediate response activities: GSA makes available technical advisors (e.g., procurement, storage, transportation, and engineering advisory services specialists) in connection with damage surveys, appraisals, and building demolitions or repairs;
- ix. Support for requirements not specifically identified by other supporting agencies including excess and surplus property.

The GSA Regional Emergency Coordinator (REC) provides a team that may consist of one or more of the following: a REC and/or team leader, contracting officer, telecommunications specialist, and real estate/leasing specialist, if needed, to coordinate the provision of support at the incident site or operating location. Support may be furnished through GSA employees and contractor personnel who are located at the scene of the oil or hazardous material release, or at their regular duty stations, depending on the specific requirements of the emergency situation.

All acquisition and procurement activities by GSA are supported by written justification in accordance with current federal laws and regulations (e.g., Federal Acquisition Regulations), which, when necessary, authorize other than "full and open competition." All procurement

actions, including those for multimodal transportation services, are made in accordance with GSA's statutory and administrative requirements, and use the appropriate fund citation/reimbursement procedures. Expenses incurred by GSA in providing requested assistance to other agencies must be reimbursed.

j. Department of Justice (DOJ)

The DOJ's primary role is to serve as litigation counsel for the federal government and as legal counsel on enforcement and inter-agency matters. As a consequence, DOJ participation in RRT activities will ordinarily focus on litigation concerns of response activities and inter agency coordination.

In this capacity, the role of the DOJ representative might include: general legal advice; review and comment on regional planning and procedural documents; and incident-specific assistance, including assigning staff attorneys when the incident may result in litigation or raise difficult issues of inter-agency coordination. In addition, the DOJ, through the Federal Bureau of Investigation (FBI) is the lead federal agency for crisis management response to all domestic terrorism incidents.

The DOJ members of the RRT serve as representatives for their agency and not as legal counsel to the RRT or its member agencies. Although the DOJ representative to the RRT is not a substitute for a member agencies in house counsel, the DOJ representative will be able to offer the advice, views, and expertise of the Department with respect to the RRT's long-term planning and incident-specific functions.

k. Department of Labor (DOL)

The DOL, through OSHA, (and states operating plans approved under Section 18 of the Occupational Safety and Health Act) has authority to conduct safety and health inspections of hazardous waste sites to assure that employees are being protected and to determine if the site is in compliance with safety and health standards and regulations promulgated by the DOL/OSHA, or the states, in accordance with Section 126 of SARA and all other applicable standards and regulations promulgated under the Occupational Safety and Health Act and its general duty clause.

DOL/OSHA inspections may be self-generated, consistent with its program operations and objectives, or may be conducted in response to requests from EPA or another lead agency, or in response to accidents or employee complaints. DOL/OSHA may also conduct inspections at hazardous waste sites in those states with approved plans that choose not to exercise their jurisdiction to inspect such sites. On request, DOL/OSHA will provide advice and consultation to EPA and other NRT/RRT agencies, as well as to the OSC, regarding hazards to persons engaged in response activities. DOL/OSHA may also take any other action necessary to assure that employees are properly protected at such response activities. Any questions about occupational safety and health at these sites may be referred to the DOL/OSHA Regional Office.

In addition, OSHA can provide technical assistance during a response. This assistance, in a non-enforcement capacity, can provide the OSC with vital information on a wide range of worker safety topics.

l. The Department of State (DOS)

The Department of State (DOS) will lead in the development of international joint contingency plans. It will also help to coordinate international response and notification efforts when discharges or releases may affect international interests, including when they involve foreign flag vessels or threaten impact beyond U.S. jurisdiction.

Additionally, DOS will coordinate requests for assistance to and from foreign governments as well as U.S. proposals for conducting research in waters of other countries.

m. Department of Transportation (DOT)

The DOT provides expertise regarding transportation of oil or hazardous materials by all modes of transportation. The Pipeline and Hazardous Materials Safety Administration (PHMSA) oversees the safety of more than 800,000 daily shipments of hazardous materials in the U.S and 64 percent of the nation's energy that is transported by pipelines. DOT establishes oil discharge contingency planning requirements for pipelines, for transport by rail, and for containers used for bulk transport of oil.

DOT also provides access to federal highway resources and the Federal Aviation Administration. DOT, through the auspices of ESF-1 can provide the following:

- i. Monitor and report status of and damage to the transportation system and infrastructure as a result of the incident.
- ii. Identify temporary alternative transportation solutions that can be implemented by others when systems or infrastructure are damaged, unavailable, or overwhelmed.
- iii. Perform activities conducted under the direct authority of DOT elements as these relate to aviation, maritime, surface, railroad, and pipeline transportation.
- iv. Coordinate the restoration and recovery of the transportation systems and infrastructure.
- v. Coordinate and support prevention, preparedness, response, recovery, and mitigation activities among transportation stakeholders within the authorities and resource limitations of ESF-1 agencies.

n. Nuclear Regulatory Commission (NRC)

The NRC will:

- i. Respond, as appropriate, to releases of radioactive materials by its licensees, in accordance with the NRC Incident Response Plan to monitor the actions of those licensees and assure that the public health and environment are protected and adequate recovery operations are instituted;
- ii. Keep U.S. EPA informed of any significant actual or potential releases in accordance with procedural agreements; and
- iii. Provide advice to the OSC when assistance is required in identifying the source or character of other hazardous substance releases where the NRC has licensing authority for activities utilizing radioactive materials.

o. Department of the Interior (DOI)

The DOI may be contacted through the Regional Environmental Officer, who is DOI's representative on the RRT. DOI will provide, through its Regional Environmental Officer (REO), technical expertise to the OSC and the RRT with respect to land, fish, wildlife and other resources for which it is responsible.

The REO is the designated DOI member to the RRT and can provide information concerning the lands and resources specifically under DOI jurisdiction, as well as offer technical expertise related to geology, hydrology, minerals, fish and wildlife, cultural resources, and recreation resources.

Under Executive Order 12580, DOI is among those agencies designated by the NCP as a federal trustee for natural resources. DOI has direct jurisdiction for the protection of resources on its own lands, as well as trustee responsibilities for certain natural resources, regardless of location.

The DOI natural resource trusteeship that extends beyond DOI site boundaries includes migratory birds, anadromous fish, and endangered or threatened species and their critical habitat. Within the DOI, individual bureaus have specific responsibilities and capabilities which are listed below.

Each bureau may be contacted through the DOI Regional Environmental Officer who is located in the Office of Environmental Policy and Compliance Regional Environmental Office in Albuquerque, New Mexico. DOI bureaus and offices have relevant expertise as follows:

- i. Office of Environmental Policy and Compliance represents the DOI on the RRT and is responsible for coordinating RRT/DOI activities. The Office of Environmental Policy and Compliance operates within the Office of the Secretary, and is responsible for policy development and coordination of the diverse interests of DOI. The REO provides a number of services, including the DOI position on chemical countermeasure and in-situ burn decisions, liaison for technical assistance requests from the OSC, administrative details to secure response cost reimbursement approval from the OSC, and initial coordination for Natural Resource Damage Assessments.
- ii. U.S. Fish and Wildlife Service (USFWS) manages, protects, and provides expertise on migratory birds, federally-listed threatened and endangered species and their designated critical habitats, certain anadromous fish, inland waters and wetlands, and certain federal lands (National Wildlife Refuges, Waterfowl Production Areas, and National Fish Hatcheries). The USFWS can provide responders with information concerning these resources, as well as technical assistance concerning the effects of oil on these resources. In addition, the USFWS will help coordinate wildlife rescue and rehabilitation efforts in conjunction with the state natural resource trustee(s). USFWS is responsible for assessing damages to natural resources as a result of discharges of oil or releases of hazardous substances into the environment, and issues federal Migratory Bird Permits to qualified individuals and/or organizations that may be available to conduct wildlife rehabilitation operations related to oil spill incidents.
- iii. U.S. Geological Survey (USGS) provides advice and information concerning geohydrologic, geologic/seismic, and geochemical data; ground and surface water data; biological resources; and maps. The U.S. Geological Survey maintains stream flow gauges throughout Region 6 and can provide historical stream flow information, assist

- with predicting the time/travel/trajectory of spills, and collect and analyze surface and groundwater samples.
- iv. Bureau of Land Management (BLM) has jurisdiction over public lands and expertise in minerals, soils, vegetation, archeology, and wildlife habitat.
 - v. Bureau of Safety and Environmental Enforcement (BSEE) enforces offshore (Outer Continental Shelf) energy and other resource safety and environmental regulations. Functions include: All field operations including Permitting and Research, Inspections, Offshore Regulatory Programs, Oil Spill Response, and Training and Environmental Compliance functions. BSEE also conducts oil spill response technology research and establishes oil discharge contingency planning requirements for off-shore facilities.
 - vi. Bureau of Ocean Energy Management (BOEM). BOEM is responsible for managing development of the nation's offshore resources in an environmentally and economically responsible way. Functions include: Leasing, Plan Administration, Environmental Studies, National Environmental Policy Act (NEPA) Analysis, Resource Evaluation, Economic Analysis and the Renewable Energy Program.
 - vii. Office of Surface Mining, Reclamation and Enforcement has expertise in coal mining, coal mine wastes, acid mine drainage and land reclamation.
 - viii. National Park Service (NPS) provides general biological, natural, and cultural resource managers to evaluate, measure, monitor, and contain threats to park system lands and to resources including national parks, lake shores, monuments, national historic sites, rivers, and recreation areas. The NPS also provides expertise on historic, archeological, architectural, and recreational resources and sites on the National Register of Historic Places. A Programmatic Agreement between the National Park Service, several historic preservation organizations and several response agencies guides Region 6 policy regarding protection of historic properties.
 - ix. Bureau of Reclamation has expertise regarding engineering, hydrology, and reservoirs, and has jurisdiction over certain federal water projects including dams, reservoirs and irrigation projects.
 - x. Bureau of Indian Affairs is responsible for protecting tribal trust resources, and facilitating an active role in planning and response for tribal governments who wish to do so. The Bureau of Indian Affairs coordinates activities affecting tribal lands, and provides assistance in identifying tribal government officials.

p. State of Arkansas

Arkansas Department of Environmental Quality (ADEQ): ADEQ is the primary agency responsible for ESF-10. ADEQ is divided into various environmental regulatory divisions and service divisions. The regulatory divisions are Air, Hazardous Waste, Mining, Regulated Storage Tank, Solid Waste and Water. The service divisions are Computer Services, Environmental Preservation and Technical Services, Fiscal, Legal, Management Services, and Public Outreach and Assistance. There are field offices around the state where Inspectors are stationed. These Inspectors are responsible for inspection of all permitted industrial, commercial, municipal and agricultural facilities and also respond to citizen's concerns and complaints and to emergency incidents, as necessary. ADEQ's responsibilities are as follows:

- i. Assessment of facilities that may pose a risk to life, health and the environment;
- ii. Activation and close coordination of state and federal Regional resources under the purview of ADEQ;
- iii. Identifying possible threats; prioritizing actions; providing technical advice and guidance for containment, treatment, removal, clean-up and disposal of materials as necessary to mitigate threats to human health and safety;
- iv. Developing and/or reviewing protective actions for public, responders, environment and property;
- v. Guidance for disposal of debris, wastes, and contaminated materials, the sighting of debris staging areas and permanent disposal sites and approval for alternate disposal (hazardous, construction/demolition, appliances, vegetative, etc.);
- vi. Monitoring of immediate health and safety threats resulting from debris removal operations;
- vii. Emergency response activities related to pre-existing state designated Superfund sites not covered by EPA responsibility [sites that do not have ongoing CERCLA response actions or are currently listed on the National Priorities List (NPL)];
- viii. Monitoring clean-up and disposal;
- ix. Mitigating damage to natural resources;
- x. Maintaining jurisdiction over environmental releases as defined by law;
- xi. Issuing permits, variances or waivers as needed;
- xii. Provide public information and human health protection information concerning immediate actions the public should take in order to minimize threat and impact to human health and safety;
- xiii. Recommend agencies with authority issue stop sale and movement orders on materials that may be considered hazardous substances or exposed to oil or hazardous materials (Quarantine) and recommend state embargo;
- xiv. Providing State On-Scene Coordinator (SOSC), Inspectors, Liaisons and other resources as needed for oil and hazardous material incidents providing situation reports to state EOC;
- xv. Performing duties of State Emergency Response Commission (SERC);
- xvi. Long term site remediation or restoration;
- xvii. Cleaning/replacing agency equipment damaged/contaminated other situations posing threat to human health, welfare or the environment
- xviii. Debris staging and disposal or reuse/recycling
 - 1. Approvals for structural and vegetative material
 - 2. Household Hazardous Waste (HHW) management
 - 3. White Goods management
 - 4. Electronic Goods (E-Waste) management
- xix. Wastewater facility and system operational assessment, treatment bypass approval and needs to include personnel, power and chemicals
- xx. Solid waste landfill status and capacity
- xxi. Orphaned container reconnaissance, collection, segregation, staging and disposal
- xxii. Maintain close coordination between ADEQ Resource Coordination Center, Arkansas Department of Emergency Management (ADEM), EPA, RRT, Arkansas Department of Health (ADH) and other ESF support entities.

ADEQ's Emergency Management Liaison Officer or representative is responsible for submitting the situation report to the state EOC. Major incident/disaster reports will be submitted in accordance with instructions in ESF #5 in the state EOP.

q. State of Louisiana

ESF 10 has three Primary Responsible agencies. The Louisiana Oil Spill Coordinator's Office (LOSCO) is responsible for Oil Spill response and recovery. The Louisiana State Police (LSP) is responsible for HAZMAT response and recovery. The Department of Environmental Quality (DEQ) is responsible for incidents involving radioactive substances.

- i. Mitigation: The Governor's Oil Spill Coordinator, Deputy Secretary, LSP and Secretary, DEQ, will designate ESF 10 Oil Spill, HAZMAT and Radiation Coordinators to organize and administer the ESF.
- ii. Preparedness:
 1. The ESF-10 Coordinators will develop plans, procedures, arrangements and agreements to identify, mobilize and coordinate Oil Spill and HAZMAT expertise and resources.
 2. ESF-10 Coordinators will develop and maintain information and liaison with public and private agencies and organizations that could furnish expertise and assistance to ensure smooth working relationships in case of emergency or disaster.
 3. ESF support agencies have additional responsibilities detailed the Louisiana EOP.
- iii. Response:
 1. The owners, processors, transporters and custodians of oil and petroleum products and hazardous materials have the first responsibility for reporting releases and spills, activating response and remediation activities and paying for the cost of such activities incurred by governmental or private organizations.
 2. When an oil spill is detected, the Oil Spill Coordinator will alert, activate and mobilize resources to assess the spill's impact and determine the extent of the needed response. When a spill is in coastal or navigable waters, the Coordinator will ensure that the U.S. Coast Guard is notified and cooperating.
 3. When a HAZMAT leak, spill or release is detected the LSP Coordinator will ensure that any people who might be affected by the incident are alerted to take appropriate protective action. The Coordinator will alert, activate and mobilize resources to assess the spill's impact and determine the extent of the needed response. When a spill is in coastal or navigable waters, the Coordinator will ensure that the U.S. Coast Guard is notified and cooperating.
 4. Coordinators may establish Incident Command Posts as needed.
- iv. Recovery: Oil Spill/HAZMAT and Radiological operations will continue until the leak, spill or release has been stopped, contained and cleaned up and the area has been restored to its previous condition.
- v. Organization and Responsibilities
 1. The Louisiana Oil Spill Coordinator has primary responsibility for oil spill operations.
 2. The Louisiana State Police has primary responsibility for HAZMAT operations.

3. The Department of Environmental Quality has primary responsibility for radiation incidents.

r. State of New Mexico

The New Mexico Environment Department (NMED) is the primary agency for ESF-10 activities in the State of New Mexico. Their responsibilities include:

- i. Provide trained personnel and resources in the following areas of responsibility:
 1. Food Protection
 2. Water Quality
 3. Liquid Waste
 4. Solid Waste Disposal
 5. Hazardous Materials
 6. Air Quality
 7. Occupational Health and Safety
 8. Sanitation of Public Swimming Pools and Baths
 9. Wastewater Treatment Plants
- ii. Provides information on environmental risks posed by the type of event (i.e. biological, chemical, nuclear, natural disaster).
- iii. Coordinates with representatives of the New Mexico Livestock Board, the New Mexico Animal Control Association (NMACA), other organizations, and local officials for the comprehensive response to animal issues.
- iv. In coordination with other state agencies, DOH, Game and Fish, and NMLB, may provide for the emergency disposal of livestock and large quantities of carcasses.
- v. Coordinates and provides support on public and environmental health issues through bureau structure. May assist in surveillance and sampling efforts and provide technical information on human health and the environment. Issues include:
 1. Air Quality
 2. Drinking Water
 3. Ground Water
 4. Surface Water
 5. Solid Waste
 6. Hazardous Waste
 7. Radiation Control
 8. Occupational Health & Safety
 9. Liquid Waste
 10. Petroleum Storage Tanks
- vi. Performs as a core member on the Debris Management Branch
- vii. Ensures all debris management actions are in compliance with applicable state and federal environmental regulations
- viii. Provides technical support to debris removal, reduction, and disposal efforts
- ix. Ensures the appropriate removal and disposal of hazardous material debris
- x. Prepares to assume direction of the Debris Management Branch for the proper clearance and disposal of debris

s. State of Oklahoma

The Oklahoma Department of Environmental Quality (ODEQ) is the primary agency for ESF-10 activities in the state of Oklahoma. Their responsibilities include:

- i. Maintains a 24-hour telephone number (1-800-522-0206) for citizens and public officials to report spills or releases.
- ii. Provide technical advice and assistance on potential pollution caused by hazardous materials spills and the proper means to be employed to minimize short-term and avoid long-term environmental damage.
- iii. Provide state representation to the EPA regional response team.
- iv. Provide technical advice and assistance regarding the following:
 1. Contamination via municipal and domestic wastes
 2. Radiological exposure
 3. Air pollution control
 4. Solid waste disposal
 5. Potable water supply and wastewater treatment.
 6. Control/containment of hazardous wastes.
 7. Laboratory testing necessary for resumption of community environmental services.
 8. Cleanup activities necessary to resume normal community services related to environmental quality.
- v. Serve as the primary source of expertise on industrial and commercial wastes.
- vi. Coordinate with the U.S. EPA and other federal agencies in support of ESF-10 of the national and regional response plans.

t. State of Texas

i. Hazardous Materials and Oil Spill Response Objectives:

ESF member agencies, as part of the State Emergency Management Council, are responsible for coordinating and conducting a response to threatened or actual release or discharge of hazardous materials and oil spills. The Texas Commission on Environmental Quality (TCEQ), as the state's primary agency for this ESF, will serve as the coordinating agency to accomplish functions which may include assisting a lead agency, as designated by statutes, during a response in accordance with the state of Texas Emergency Management Plan and applicable local, state, or federal statutes as they apply to an agency's rules and regulations. The overall efforts of this ESF protects public health, safety, and the environment by reducing the release of pollutants and contaminants, ensuring that waste, including low-level radioactive waste, is properly managed and safely disposed, and expediting the cleanup of contaminated sites.

ii. Response to Hazardous Materials and Oil Spill Incidents:

1. The TCEQ staff will coordinate with the Railroad Commission (RRC) and the General Land Office (GLO) staff to identify and respond to spills. TCEQ may also be involved in assisting water and wastewater treatment plants to return to normal operations following discharges or spills. Further, TCEQ will provide advice and assistance with the disposal of hazardous and non-hazardous debris associated with spills resulting from disasters.

2. All coastal discharge response and cleanup operations resulting from unauthorized discharges of oil are administered and directed by the GLO pursuant to the Oil Spill Prevention and Response Act of 1991 (OSPRA), Texas Natural Resources Code §40.001 et seq. As a co-trustee of the states natural resources, GLO also has statewide responsibility for NRDA.
3. The RRC has spill response authority for spills or discharges from all activities associated with the exploration, development, or production, including storage or transportation, of oil, gas, and geothermal resources (Texas Natural Resources Code §§85.042, 91.101, and 91.601). Spills or discharges from brine mining or surface mining are also under the jurisdiction of the RRC [Texas Revised Civil Statutes Ann. Art. 5920-11 (Vernon) and Chapter 131 of the Texas Natural Resources Code]. Any spill or discharge, whether hazardous or nonhazardous, that emanates from an oil, gas, or geothermal resource exploration or production facility or brine mine or surface mine is under the jurisdiction of the RRC.

iii. Impact Assessments and Clean-up Operations

TCEQ, in conjunction with the TGLO and the TRRC, will coordinate to manage the overall state effort to detect, identify, contain, cleanup, dispose, or minimize releases of oil or hazardous materials including assessment impacts and cleanup needs or priorities, and advising and assisting others where the source of the spill is known.

Where the source is unknown or the responsible party unwilling or unable to respond, TCEQ will coordinate with other government authorities, including local and federal, to adequately abate, contain, and remove contaminants.

iv. Technical Assistance

The TCEQ will provide the state Emergency Management Council with information and advice on matters pertaining to oil and hazardous substances emergency response, climatology, air quality, public water supply, dam safety, flood-hazard areas, floodplain management, ground-water geology, solid waste management including hazardous waste and radioactive waste, hydrology, meteorology, special water districts, water quality, and water use and rights. Meteorological and climatological data will be obtained and analyzed for forecasts in emergency situations.

The TCEQ will provide spill response maps and maps relating to flood hazard areas as needed. Personnel will be provided to assist in damage assessment, rehabilitation and planning; and to assist in returning public water systems, dams, reservoirs, water, and wastewater treatment plants to normal operations when requested. Further, TCEQ staff will provide advice and aid in the disposal of hazardous and non-hazardous debris resulting from disasters.

The Texas Department of Transportation (TxDOT) and the TCEQ, in accordance with Subsection (F) of Section 26.264, Texas Water Code, as amended, have entered an agreement that provides for the use of TxDOT resources for certain state-sponsored spill and discharge cleanups. Cleanup and removal of such substances for which TxDOT personnel are not adequately trained or that require protective clothing or equipment as determined by the TCEQ on-scene coordinator are excluded and not considered as services that may be performed under this agreement.

Texas Parks and Wildlife Department (TPWD) has primary responsibility for protecting Texas' fish and wildlife (Chapter 12, Texas Parks and Wildlife Code). By designation of the Governor, TPWD is a state natural resource trustee and has the obligation to protect and preserve all trust resources of the State of Texas.

v. Advice on Emergency Protective Measures:

ESF member agencies will coordinate state efforts to prevent, mitigate, or minimize the threat of potential releases and provide technical assistance and public information on the actions necessary to preserve health and protect property.

vi. Coordination with Federal Agencies:

While conducting a state level response, all trustees and RRC staff will coordinate on any hazardous materials or oil spill response (with federal agencies) in accordance with the NRF, the National Incident Management System (NIMS), and federal statutes applicable to the respective state agencies.

vii. State of Texas Oil and Hazardous Substances Spill Contingency Plan:

The State of Texas Oil and Hazardous Substances Spill Contingency Plan (Spill Contingency Plan) serves as a guide to strengthen and improve the response mechanisms for discharges or spills of oil and hazardous materials within the territorial limits of the state.

This plan describes state procedures and guidance, and identifies those policies and requirements set forth in statutes and rules. TCEQ, RRC, and GLO staff will serve as primary incident coordinators and state On-Scene Coordinators (SOSCs). Other interested parties involved in a response are expected to cooperate with this ESF, which addresses spills of oil, hazardous materials, or other substances for the state.

This ESF includes all inland areas, waters, and coastal water to the 3-league state boundary. The Spill Contingency Plan is a document developed by and maintained under separate cover by TCEQ.

viii. Cost Recovery and Mitigation:

The GLO, RRC, TCEQ, and TPWD will be responsible for coordinating state efforts to recover response costs through any federal reimbursement options or directly from responsible parties. Also, where actions may be taken to mitigate potential spills or effects of future spills, the agencies will coordinate mitigation actions.

ix. Multiple ESF Operations:

This plan provides for employment of appropriate resources from multiple ESFs during response and recovery operations as a standard practice. Requests for hazardous materials and oil spill response support may occur during significant emergency response and recovery operations regardless of the initial type of incident, hazard, and/or other ESFs involved.